

REMARKS

These remarks are in response to the final Office Action dated September 29, 2005, which has a shortened statutory period for response set to expire December 29, 2005. No extension of time is required.

Claims

Claims 1-2 and 4-35 are pending in the above-identified application. Claims 1-2, 4-11, and 30-32 are rejected over prior art. Claims 12-29 and 34-35 are allowed, and Claim 33 is objected to, but is indicated to include allowable subject matter. Claims 1, 10-11, and 30-32 are amended and Claims 36-37 are added. Claims 3 was previously canceled and Claims 2, 4-9, 12-29, and 33-35 remain as filed or as previously presented. Reconsideration is requested.

Acknowledgement of Constructive Assistance

Applicants acknowledge and greatly appreciate the constructive assistance provided by the Examiner in the last office action. It is indeed a pleasure to work with such a thorough and conscientious Examiner.

Rejections Under 35 U.S.C. § 102 and 103

Claims 1-2, 4-11 and 33

Claims 1, 2, 4, 5, and 8-11 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Van Abbema (USPN 4,572,726). Claims 6 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Van Abbema. In response to Applicants' previous arguments, the Examiner writes (in part):

Examiner notes [that] with regard to claim 1, the product could be interpreted as being either a dry or wet product. Examiner notes claim 12 recites separating a wet wine product from air. Therefore, examiner notes amendment of claim 1 to include a wet product within both the preamble and the body of the claim, along with limitations that the air pump provides a vacuum source sufficient to draw the wet product to the separating apparatus and the blower is sufficient to blow a wet product out of the pump would seem to overcome Van Abbema, which clearly is only designed for moving a dry product, and wherein the fan of

Van Abbema would not have the vacuum source which is sufficient to move a wet product.

Applicants have amended Claim 1 as suggested by the Examiner. In particular, as amended herein, Claim 1 now recites:

1. A pump for moving a wet product, comprising:
 - a separating apparatus;
 - an air pump for providing a vacuum to the separating apparatus **sufficient to draw the wet product into the separating apparatus;**
 - a pressure valve apparatus for allowing the wet product to be removed from the separating apparatus; and
 - a blower **capable of blowing the wet product** out of the pump. (emphasis added)

For at least the reasons set forth by the Examiner in the Office Action, Applicants believe that Claim 1 now distinguishes over Van Abbema. Claims 2 and 4-11 depend, either directly or indirectly, from Claim 1 and are distinguished over the cited prior art for at least the same reasons as Claim 1.

Claim 30

Claim 30 is rejected under 35 U.S.C. § 102 (b) as being anticipated by Van Abbema (USPN 4,572,726). In response to Applicants' previous arguments, the Examiner writes (in part):

Examiner notes [that] with regard to claim 30, the product could be interpreted as being either a dry or wet product. Examiner notes claim 23 includes limitations to moving a wine product, wherein the wine product is clearly a wet product. Therefore, examiner notes amendment of claim 30 to include a wet product within both the preamble and the body of the claim, along with limitations that the vacuum is sufficient to draw a wet product into a separating chamber and the vacuum is sufficient to push the wet product from the separating chamber would seem to overcome Van Abbema, which clearly is only designed for moving a dry product, and wherein the fan of Van Abbema would not have the vacuum source which is sufficient to move a wet product.

Applicants have amended Claim 30 as suggested by the Examiner. As amended herein, Claim 30 now recites:

30. A method for moving a **wet product**, comprising:
drawing the wet product into a chamber via **vacuum sufficient to move said wet product**;
drawing gasses from said chamber via vacuum to separate said gasses from said wet product; and
pushing the wet product from said chamber via **compressed gasses sufficient to move said wet product**.
(emphasis added)

For at least the reasons set forth by the Examiner in the Office Action, Applicants believe that Claim 30 now distinguishes over Van Abbema and is in condition for allowance.

Claim 31

Claim 31 is rejected under 35 U.S.C. § 102 (b) as being anticipated by Van Abbema (USPN 4,572,726). In response to Applicants' previous arguments, the Examiner writes (in part):

Examiner notes that with regard to claim 31 that the product could be interpreted as being either a dry or wet product. Therefore, amendment of claim 31 to differentiate the equivalents in the specification to only being able to draw a wet product and gas mixture and remove a wet product from the chamber would seem to overcome Van Abbema, which clearly is only designed for moving a dry product, and wherein the fan of Van Abbema would not have the vacuum source which is sufficient to move a wet product.

Applicants have amended Claim 31 as suggested by the Examiner. In particular, as amended herein, Claim 31 now recites:

31. A pump for moving a **wet product** comprising:
means for drawing **the wet product** and gas mixture into a chamber;
means for separating **the wet product** from the gas; and
means for removing **the wet product** from the chamber.
(emphasis added)

For at least the reasons set forth by the Examiner in the Office Action, Applicants believe that Claim 31 now distinguishes over Van Abbema and is in condition for allowance.

Claim 32

Claim 32 is rejected under 35 U.S.C. § 102 (b) as being anticipated by Van Abbema (USPN 4,572,726). In response to Applicants' previous arguments, the Examiner writes (in part):

Examiner notes that with regard to claim 32 that the product could be interpreted as being either a dry or wet product. Therefore, examiner notes amendment of claim 1 to include a wet product within both the preamble and the body of the claim, along with limitations that the vacuum source is sufficient to draw the wet product to the chamber and the pressurized gas source is sufficient to blow a wet product out of the outlet port would seem to overcome Van Abbema, which is clearly designed for moving a dry product, and wherein the fan of Van Abbema would not have the vacuum source which is sufficient to move a wet product.

Applicants have amended Claim 32 as suggested by the Examiner. In particular, as amended herein, Claim 32 now recites:

32. A pump for moving **a wet product** comprising:
a chamber;
an inlet port coupled to said chamber to facilitate the flow of wet product into said chamber;
an outlet port for discharging said wet product from said pump;
a vacuum port coupled to said chamber;
a vacuum source coupled to said vacuum port to provide a negative pressure in said chamber **sufficient to draw said wet product into said chamber** through said inlet port;
a pressurized gas source providing pressurized gasses **sufficient to push said wet product**; and
a mixing valve coupled to said chamber, said outlet port, and said pressurized gas source, whereby said wet product can be pushed out said outlet port by said pressurized gas.
(emphasis added)

For at least the reasons set forth by the Examiner in the Office Action, Applicants believe that Claim 32 now distinguishes over Van Abbema and is in condition for allowance.

New Claims:

Claims 36 and 37 are added. Claims 36 and 37 both recite “wherein the air pump has a power rating of at least 40 horsepower,” and depend from Claims 1 and 12, respectively. As indicated by the Examiner, Van Abbema does not teach such a limitation. Therefore, Applicants believe Claims 36 and 37 distinguish over the prior art and should be in condition for allowance. Support for Claims 36 and 37 can be found in Applicants’ original specification at Page 9, Lines 15-16. No new matter is added.

IDS Submission

An information disclosure statement is filed with the present amendment. Each item contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application within the last three months. Applicants apologize for the inconvenience caused by the disclosure of information this late in the prosecution of the present application. However, the references just recently came to Applicants’ attention. Applicants do not believe that any of the cited references affect the allowability of the pending claims.

The first reference, USPN 997,864 to Simpson, discloses a vacuum separator, which is designed for separating dust from air (Page 1, lines 8-15). The vacuum separator includes a casing 1 which is partially filled with water via the extension 12. When suction is generated in the hose 15, a vacuum is produced in the hose 17, and air and dust are carried into casing 1 via the nozzle 40. The plate 18 directs the air and dust toward the water in the bottom of casing 1, which traps the dust (Page 2, Lines 24-59). The nozzles shown in Figs. 1-3 are designed for cleaning floors, walls, and other extensive smooth surfaces and furniture (Page 2, Lines 3-8). The vacuum separator of Simpson is not a pump for moving a wet product, as described by the present invention.

The second reference, USPN 6,352,413 to Popov, is a pumping- ejection system for use in rectification columns. The system includes a vacuum separator 1, which is used to de-gas a liquid at a low pressure (Col. 2, Lines 38-46). A liquid gas mixture is introduced to vacuum separator 1 under pressure from liquid-gas ejector 3. In addition, liquid at various stages of gas saturation is introduced to vacuum separator 1 by gravity or by pump from both outlet separator 6 and final separator 8. Accordingly, liquid does not appear to be drawn into vacuum separator 1 by vacuum. In addition, liquid is drawn out of vacuum separator 1 by the pump 2. Therefore,

liquid is not removed from vacuum separator 1 by compressed gasses. Similarly, outlet separator 6 and final separator 8 receive a compressed liquid and gas mixture from ejectors 5 and 7, and discharge the liquid to vacuum separator by gravity or by pump through bleed lines 10 and 11, respectively. (Col. 1, Line 58-Col. 3, Line 9).

The third reference, PCT App. No. WO 94/24031 to Techniv AC Limited, discloses a method for charging a vessel 4 with particulate material. Particulate material is conveyed pneumatically via high velocity air from a store 11 to the vacuum separator unit 1. There, the transport gas is forced to reverse direction, such that the particulate matter is deposited in the widening chamber 7, and is fed into the vessel 4 by an unloading outlet duct 17 (Page 5, paragraphs 2 and 3). Subsequently, dust from vessel 4 is drawn into a hose 16 into filter separator hopper 12, which is provided with a filtering system that allows the vacuum gas to exit to the vacuum unit 14 and the catalyst dust to be unloaded via a valve 21 (Page 6, paragraph 2). The system described is not intended to pump a wet liquid or semi-liquid product.

Reference Cited in Related Application

Applicants note that in U.S. Patent Application No. 10/726,070 entitled "Wine Must and Pomace Pump," which is a continuation-in-part of the present application, U.S. Patent No. 2,946,626 to Atkinson et al. has been cited as prior art. Applicants do not believe that Atkinson et al. is relevant to the patentability of the claims of the present application because Atkinson et al. is directed to systems "for unloading pulverulent materials such as flour, chemicals and the like," (*Atkinson et al.*, Column 1, Lines 16-17) while the claims of the present application are directed to a pump for moving a wet product. Applicants believe that the Examiner is aware of the Atkinson et al. reference, because the Examiner is also the Examiner in Applicants CIP application identified above, and therefore would have cited the reference if he thought it was pertinent to the patentability of the claims of the present application. However, if the Examiner deems that the Atkinson et al. reference needs to be cited, Applicants' respectfully request that the Examiner contact Applicants' attorney at the number below to discuss the most expedient procedure for placing the reference on the record.

For the foregoing reasons, Applicants believe Claims 1-2 and 4-37 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-2 and 4-37, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicants' attorney at (269) 279-8820.

Respectfully submitted,

Date: 11/29/05

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CERTIFICATE OF MAILING (37 CFR 1.8(A))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: MS: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 11/29/05

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